



OCT 1 2004

Dear Tribal Leader:

Our previous letter in June 2004 was to inform you of our joint efforts to revise the Secretary's Tribal Consultation Policy, the Indian Health Service (IHS) Tribal Consultation and Participation Policy Circular No. 2001-07, and to inform you that the U.S. Department of Health and Human Services (HHS) had formed a joint Office of the Secretary (OS)/IHS Tribal Consultation Policy Revision Workgroup (TCPRW). This Workgroup is comprised of nominees that the Office of Intergovernmental Affairs (IGA) solicited from Tribal Leaders in December 2003. The Workgroup was charged with developing recommendations on revising both the HHS and the IHS consultation policies.

This letter transmits the draft recommendations of the Workgroup. We have included three documents for your review and comment: 1) the OS Tribal Consultation Policy draft revision with guidance for Tribal Leader response; 2) the IHS Tribal Consultation Policy draft with guidance for Tribal Leader response; and 3) the HHS TCPRW membership and HHS technical policy staff.

Since June, the joint OS/IHS TCPRW has met via teleconference on six occasions and held two face-to-face meetings in Oklahoma City and Washington, D.C. Review of the Secretary's Tribal Consultation Policy began prior to the formation of the Workgroup in March 2003. The current policy was initially shared to obtain Tribal Leaders comments and recommendations at our first annual regional Tribal consultation sessions. Comments regarding the current policy were consolidated from the 2003 sessions, the HHS Annual Tribal Budget Consultation Sessions held in May 2003 and May 2004, and from the 2004 Tribal consultation sessions which concluded in August. These comments were provided to the Workgroup and fully considered as the enclosed recommendations were developed.

The current HHS Tribal Consultation Policy was signed on August 7, 1997. The policy was developed consistent with the executive memorandum dated April 29, 1994. Since this executive memorandum was signed, two executive orders and one executive memorandum on Tribal consultation have been signed. HHS and Tribal leadership concurred that revision of the current policy is appropriate. The first IHS Tribal Consultation Policy was adopted in 1997. In 2001, the IHS implemented a revised Tribal Consultation Policy based on experience with the initial policy and continuous discussions with Tribal Leaders concerning consultation activities in the IHS.

Revision to Secretarial policy and IHS policy must also be vetted internally within HHS and IHS. This internal review will occur concurrently with the external Tribal review. The Workgroup will reconvene again in early December to consider your comments and make

its final recommendations on the policy. We realize that the timeframes for both Tribal review and internal reviews in the HHS and the IHS are short; however, we asked the Workgroup to consider this time line as a goal to provide an opportunity for the Secretary to sign a revised policy before the end of the calendar year.

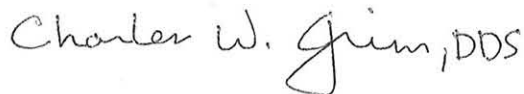
We have asked our HHS technical policy staff and appropriate IHS officials to participate in upcoming national meetings and regional sessions to help communicate the draft policies prepared by the Workgroup and to respond to additional Tribal comments. Additionally, throughout the process, Workgroup members and national Tribal and native organizations have shared information with you as we move forward with the draft policies. On July 21, 2004, the National Indian Health Board (NIHB) established a Web site to solicit individual Tribal and public comment regarding the draft documents being prepared by the Workgroup. Additional Workgroup meeting summaries and resource materials are located at <http://www.nihb.org>.

Please review the enclosed draft policy recommendations from the Workgroup and return your comments to us according to the instructions included with this letter **by close of business (5:00 p.m., EST), on November 24, 2004.**

Sincerely yours,



Regina B. Schofield, M.B.A.
Director, Intergovernmental Affairs



Charles W. Grim, D.D.S., M.H.S.A.
Director, Indian Health Service

Enclosures (3)